

Remarks/Arguments:

According to the Notice To Comply With Requirements For Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures, mailed January 9, 2007 (hereinafter, the "Notice to Comply"), the instant application fails to comply with 37 CFR 1.821-1.825.

1. **Remarks:**

a. **Response is timely.**

A response to the Notice to Comply was due on February 9, 2007. The applicants attach hereto a Petition For Extension Of Time Under 37 CFR 1.136(a) along with payment of the associated fee. With the 5-month extension of time to respond to the Notice to Comply, a response becomes due on July 9, 2007. This response was filed before this date and is therefore timely.

b. **Fees.**

The applicants have authorized the Commissioner to charge Deposit Account No. 50-0244 in the amount of \$ 2,160.00 for filing of a Petition For Extension Of Time Under 37 CFR 1.136(a) for 5 additional months to respond to the Notice to Comply.

The applicants do not believe that any additional fees are due. However, please charge any additional fees required or credit any fees overpaid to Deposit Account No. 50-0244.

c. **Amendments to the Specification.**

Without prejudice or disclaimer, the specification was amended by deleting the sequence listing in the specification of the instant application and replacing it with the paper copy of the substitute sequence listing attached hereto in ATTACHMENT A.

No new matter was added by this amendment.

2. **Arguments.**

The Examiner alleges that the CRF of the sequence listing submitted for the instant application by applicants could not be processed by the Scientific and Technical Information Center (STIC) for the reasons set forth on the Raw Sequence Listing Error Report attached to the Notice to Comply. This report appears to indicate that the previously submitted sequence listing contains two errors on page 1: (1) the total number of sequences were counted to be 51, while the

input number of sequences (shown at <160>) is given as 49; and (2) the current application and its filing date (shown at <140> and <141>) is incorrect; with these being that of a prior application.

The applicants attach hereto the paper copy of the substitute sequence listing in ATTACHMENT A. The substitute sequence listing corrects the two errors noted by the Examiner and two additional errors found by the applicants. The corrections made to the errors noted by the Examiner were: (1) deleting the incorrect current application number and its filing date at <140> and <141> and replacing it the correct current application number and its filing date; and (2) moving the deleted incorrect current application number and its filing date to become a prior application number and its filing date (shown at the second pair of <150> and <151>). The corrections made to the errors found by the applicants were: (1) the File Reference shown at <130> was changed to "1038-1217 MIS" from "1038-1063 MIS" and (2) the priority application number, "09/361,619", was changed to "US 09/361,619" to conform to numeric identifiers required by 37 CFR §1.823(b). All of these corrections were made on page 1 of the substitute sequence listing. The corrections made are shown below in markup form, with deletions shown by strike-through and additions shown by underline:

<130> ~~1038-1063 MIS~~ 1038-1217 MIS

<140> ~~PCT/CA00/00870~~ US 10/031,165

<141> ~~2000-07-26~~ 2002-10-04

<150> US 09/361,619

<151> 1999-07-27

<150> PCT/CA00/00870

<151> 2000-07-26

<160> ~~48~~ 51

The correction made by moving the deleted incorrect current application number and its filing date to become a prior application number and its filing date (shown at the second pair of <150> and <151>) does not add new matter. This is because the original sequence listing submitted by the applicants for the instant application and by voluntary amendment, dated May 13, 2002, listed the two priority application numbers (and their filing dates) as 09/361,619, filed 1999-07-27 and PCT/CA00/00870, filed 2000-07-26.

A computer readable form (CRF) of the substitute sequence listing is also attached hereto on ATTACHMENT B. The content of the paper and computer readable copies of the substitute sequence listing are the same, and includes no new matter.

3. Conclusions.

The amendments, remarks and arguments submitted herein are intended to be fully responsive to the outstanding Office Action, to advance the prosecution of the present invention, and to place the application in condition for allowance.

The applicants respectfully request consideration and entry of this paper. The applicants also respectfully request reconsideration of this application, as amended, and issuance of a timely Notice of Allowance in this case. Should the Examiner have any questions concerning this application, she is invited to contact the undersigned at (570) 839-5537.

Respectfully submitted,

Date: June 22, 2007

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